

PATENT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant:	KOTZIN)	
)	
Appl. No.	10/037,015)	Examiner: Coulter
)	
Confirm. No.	5676)	Art Unit: 2141
)	
Filed:	December 21, 2001)	Atty. Docket: CS10398

Title: Method and Apparatus for Obtaining Internet Content for a
Wireless Device

DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents
Alexandria, Virginia 22313-1450

Sir:

THIS DECLARATION is to establish conception of the subject matter of the present application in the United States or other provincial region permitted by Rule prior to the October 1, 2001 effective date of United States Application No. 2003/0066092 A1 entitled "Remote Task Scheduling For A Set Top Box" (Wagner Application) and to establish diligence of the filing of the present application (constructive reduction to practice) from a time prior to the October 1, 2001 effective date of the Wagner Application to the December 21, 2001 filing date of the instant patent application.

IN SUPPORT of this Declaration, I, Michael D. Kotzin, the inventor named on the subject application do hereby DECLARE AND SAYETH THE FOLLOWING:

THAT the claimed subject matter of the instant patent application stands subject to a rejection under 35 U.S.C. 102(e) for anticipation by United States Application No. 2003/0066092 A1 entitled "Remote Task Scheduling For A Set Top Box" (Wagner Application).

THAT the claimed subject matter of the instant patent application was conceived in the United States or other provincial region permitted by Rule before the October 1, 2001 effective date of the Wagner Application in the course of employment by Motorola Inc., the assignee of record at REEL/FRAME 012441/0368.

THAT the claimed subject matter of the instant patent application was the subject of a written invention disclosure (ID No. CS10398) duly prepared and submitted to a patent committee of Motorola Inc., the assignee of the instant patent application, for the purpose of documenting and evaluating invention disclosures for patent protection.

THAT the written invention disclosure (ID No. CS10398) attached as Exhibit A is a true and accurate copy of the original written invention disclosure on which the instant patent application is based.

THAT the redacted conception date (permitted by the Commissioner for Patents pursuant to MPEP 715.07) on the attached written invention disclosure (ID No. CS10398), predates the October 1, 2001 effective date of the Wagner Application.

THAT, after consideration of the written invention disclosure, ID No. CS10398, by a Motorola, Inc. patent committee, a patent specification and drawings were prepared by or on behalf of an attorney or patent agent of the assignee based on the subject matter of the written invention disclosure, ID No. CS10398.

THAT the subject patent application was constructively reduced to practice, by virtue of the preparation and filing of a patent specification and

drawings, which were duly reviewed, revised and filed, with diligence from a time prior to the October 1, 2001 effective date of the Wagner Application to the December 21, 2001 filing date of the instant patent application (Critical Period).

THAT, to the best of my belief, I exercised reasonable diligence during the Critical Period of the instant patent application.

THAT in the preparation of this paper, I personally examined Motorola's internal docketing system in connection with the Critical Period, and according to the system, I was an inventor on two additional new patent applications, which were filed on or about November 30, 2001 and December 7, 2001. To the best of my knowledge and belief, each required careful review of drafts, editing and consultation with the counsel preparing such applications, during the Critical Period.

THAT, in more detail, the patent application filed on or about November 30, 2001, was based on disclosure ID NO. CS10472. As background and context, it is noted that during the Critical Period, the World Trade Center terrorist bombings in New York (911), occurred September 11, 2001. According to these records, I was required by my management to work on a special assignment relative to communications handset altitude determination in multi-level environments. An engineering solution to this problem, could help first responders, such as paramedics, firemen and police, find and locate people trapped or calling for help at different altitudes (floors), in a building, such as in ones like the World Trade Center. This assignment was designated and confirmed as a high priority by my management, as it could provide enhanced public safety. This assignment required a significant demand on my time during the Critical Period.

THAT, in the preparation of this paper, I personally examined other business records (Motorola Confidential Information), such as

Motorola's internal disclosure submission system (eIntelligence), pertaining to the Critical Period. According to eIntelligence records, I submitted over ten new invention disclosures in key areas of innovation or strategic technology areas, between October 11, 2001 and November 22, 2001. I was the primary inventor on most of these invention disclosures, which required a significant investment of my time preparing the disclosures, preparing figures and revising them, for submission to a patent committee. Over fifty percent of these invention disclosures were determined to be pursued by a Motorola patent committee, for subsequent filing as US patent applications.

THAT, pertaining to the Critical Period, I also examined other business records (Motorola Confidential Information). According to such records, I was an active member and participant in, what was considered at the time, novel methods, systems and devices related to growing Gallium Arsenide on Silicon. I was an active member on a patent committee assigned to manage and grow the Intellectual Property portfolio, in connection with this breakthrough technology. During this period, Motorola invested and invented heavily in this high priority technology.

THAT, notwithstanding the many demands on my time as a senior technology leader, inventor and patent committee member, to the best of my ability and belief, I exercised or tried to exercise reasonable diligence, during the Critical Period, to facilitate the completion and filing of the instant patent application.

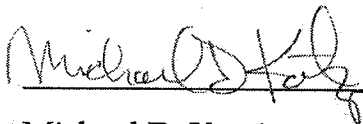
ATTACHED as Exhibit B, to the best of my belief, is a true and accurate reproduction of certain records relative to the filing of the instant application, substantiating the existence of the following factual information supporting the diligence averred herein:

- 1.) A cover letter from Assignee's outside counsel Vetter, Price, Kaufman and Kammholz to me enclosing a hard copy first draft of the instant patent application, with a redacted date.
- 2.) An email to outside counsel from me dated September 19, 2001, soliciting an electronic copy of a second draft, so that he and I could facilitate the editing of the instant patent application for ID No. CS10398.

THAT the documents of Exhibit B were produced by me, the inventor, the attorney of record, or on behalf of the attorney of record and that the documents of Exhibit B are true copies of original business records produced and maintained in the ordinary course of business of Motorola; and

THAT all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE:

 10/22/2007

Michael D. Kotzin

Date



DISCLOSURE FOR PATENT COMMITTEE
SUBMITTED PURSUANT TO EMPLOYMENT
AGREEMENT

Inventor(s) will not fill in	
Operation <i>AT&T</i>	
DISCLOSURE NO. <i>CS-10398</i>	DATE <i>12/30/99</i>
Patent Committee Action	
Inventor(s) Name(s) <i>Kotzin</i>	

FOR INSTRUCTIONS FOR COMPLETION REFER TO DISCLOSURE INSTRUCTION PROCEDURE

Inventor must fill in items 1 thru 12.

Items 2 to 5 may require extra sheets. **BE SURE** they are signed, witnessed, and attached.

1. Name of the invention (Limit to ten words).

Simple means to request, extract and record internet content.

2. State the problem(s) resolved by the invention.

See attached.

3. Describe the invention in detail. Include its operation, purpose, environment and how problem(s) were solved (Use separate sheets as required).

See attached.

4. What new elements (e.g. components, circuits, process steps) or combinations of known elements or software algorithm produced the improvement(s) over known technology?

See attached.

5. List the closest known technology (attach article, patent, catalog sheet or other documentation).

See attached.

6. What are the potential applications for use of this invention?

See attached.

7. Conception date? *Redacted* Attach earliest log sheets, drawings, etc., to support dates.

8. To whom did you disclose this invention? Name: PCS AI Session 6 - Simul. Use of Other Sy- *Redacted*

9. Date the device was first built and tested: not yet built

Present location of the device?

DETERMINATION OF LEGAL INVENTORSHIP FOR PATENT APPLICATION MUST BE MADE BY THE PATENT DEPARTMENT.

Inventor's signature (IMPORTANT - YOU MUST USE YOUR FULL FIRST, MIDDLE AND LAST NAMES).

10. Inventor's Full Name: (Type) Michael D. Kotzin		Signature <i>Michael D. Kotzin</i>		Date Dec. 29, 1999	Social Security No. 357-46-8124
Home Address: Street 321 Fox Hill Drive		City Buffalo Grove	State IL	Country USA	ZIP code 60089
Citizen of (i.e. U.S., Germany, etc.) USA		Dept. No. QA 960	Phone 847-523-1162	Room No. IL-93 AS-438	Employee Status <input checked="" type="checkbox"/> Permanent <input type="checkbox"/> Contractor

11. Inventor's Full Name: (Type)		Signature		Date	Social Security No.
Home Address: Street		City	State	Country	ZIP code
Citizen of (i.e. U.S., Germany, etc.)		Dept. No.	Phone	Room No.	Employee Status — Permanent Contractor

12. Inventor's Full Name: (Type)		Signature		Date	Social Security No.
Home Address: Street		City	State	Country	ZIP code
Citizen of (i.e. U.S., Germany, etc.)		Dept. No.	Phone	Room No.	Employee Status — Permanent Contractor



Witness signatures (TWO WITNESSES ARE REQUIRED)

Witness must sign and date this form *and all attachments*.

THE WITNESSES IN SIGNING THIS FORM ATTEST TO THE FACT THAT THEY UNDERSTAND THE INVENTION.

13. Witness Name (Type)	Signature	Date	Phone

14. Witness Name (Type)	Signature	Date	Phone

Items 15 to 25 are to be filled in by the **ENGINEERING** and **MARKETING/PRODUCT MANAGER** or equivalent. Use separate sheets as required.

THE MANAGERS IN SIGNING THIS FORM ATTEST THAT THEY UNDERSTAND THE INVENTION.

15. What product will this invention be used in? (No code names -- use brief description if necessary)

Not yet known

16. When (was) (will) the first offer for sale of a product incorporating this invention (be) made?

Date: not yet offered for sale

17. When is the estimated shipping date? unknown

18. When (was) (will) the first disclosure outside of Motorola (be) made? How and to whom? Nondisclosure agreement signed? State title and date of publication, if any.

No disclosure yet made or planned

19. What is the market for products incorporating this invention?

For future PCS handsets

20. Who are the potential competitors? What is the possibility this invention will be used by competitors? Which ones?

Nokia, Ericsson, Siemens, Japan Inc.

21. Did this invention result from work on a development contract: (YES) (NO) Contract No. _____
Who was the contracting party?

22. Discuss the business impact that this invention will have on Motorola. Be specific and quantitative.

Provides potential future differentiating feature or enhancement.

23. Engineering Manager's Name (Type)	Signature	Date	Dept. No.	Phone
Michael D. Kotzin		Dec. 29, 1999	QA-960	3-1162

24. Product/Marketing Manager's Name (Type)	Signature	Date	Dept. No.	Phone
Michael D. Kotzin		Dec. 29, 1999	QA-960	3-1162

25. The Manager must determine the security classification of this information. See Personnel Policy #840, and Corporate SOP E60, Protection of Proprietary Information.



2. State the problem(s) resolved by the invention.

In the future, wireless subscriber devices will have full access to the internet. There is an incredible amount of content present that can be downloaded and or captured for later use or replay. However, it is very difficult to identify the content and to arrange for its capturing.

3. Describe the invention in detail. Include its operation, purpose, environment and how problem(s) were solved.

This invention proposes a method to simplify the selection and arranging to obtain and capture content from the internet. Basically, this invention provides a means to reduce a complicated process and associated information and parameters into a very simple code, preferably strictly numeric, that the user simply enters to his device to effect the desired operation. The code would uniquely identify the information to be obtained and any other information that is needed to know, for example, when it will be available, the format and or protocol of the transmission, etc.

One way to do this would be to provide a data base server out on the internet and a database controller. When someone or some entity has something that it wants to make available to the public, it requests from the database controller a, say, 7 digit code. In exchange for the code, the person or entity provides all the necessary information, e.g. access URL, time of broadcast or availability, transmission protocol, etc. needed for someone to capture or download the information. The code could be published in a directory that tell a person what the code does.

The user, if he wanted this information after reviewing the directory, would enter the code into his subscriber device. The subscriber device would access the database and retrieve all the necessary parameters and information needed to properly capture and or retrieve the information. The subscriber device would then autonomously be able to perform the prescribed functions on behalf of the subscriber.

4. What new elements (e.g. components, circuits, process steps) or combination of known elements or software algorithm produced the improvement(s) over known technology?

A control database to manage the assignment of codes and associate with it all the information needed in order to capture or obtain certain information off the internet.

A means for someone to get a code number in exchange for capturing data and parameters for directory publication

A means for a subscriber to enter the code, and the radio to access the database with the code and perform the prescribed functions

5. List the closest known technology (attach article, patent catalog sheet or other documentation).

This is a scheme that does for the internet and a subscriber's wireless device what VCR+ does for recording of TV or cable programs on an equipped VCR.

6. What are the potential applications for use of this invention?

Could be used to enhance the capabilities of any wireless subscriber device that has the ability to extract and or capture internet information.

Inventor(s) Signature(s)/Date(s):

Michael D. Kelly 12/29/99

Witness Signatures/Dates:

VEDDER PRICE

Exhibit B

VEDDER, PRICE, KAUFMAN & KAMMHOLZ

222 NORTH LASALLE STREET

CHICAGO, ILLINOIS 60601

312-609-7500

FACSIMILE: 312-609-5005

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A PARTNERSHIP INCLUDING VEDDER, PRICE, KAUFMAN & KAMMHOLZ, P.C.
WITH OFFICES IN CHICAGO, NEW YORK CITY, AND LIVINGSTON, NEW JERSEY

Redacted

VIA FEDERAL EXPRESS

Mr. Michael Kotzin
Motorola Inc.
600 North U.S. Highway 45
Libertyville, IL 60048

Re: **METHOD AND APPARATUS FOR OBTAINING
INTERNET CONTENT FOR A WIRELESS DEVICE**
Inventor: Kotzin
Your file no. CS10398
Client/Matter No. 33692.01.0398

Dear Mike:

Enclosed for your review is a copy of the first draft of the above-captioned patent application. Also enclosed are six sheets of drawings. Please review the application and call me if you have any comments or questions.

Cordially,

Christopher J. Reckamp
Christopher J. Reckamp *(CR)*

CJR/rs
Encls.

Kotzin Mike-CASR02

From: Kotzin Mike-CASR02
Sent: Wednesday, September 19, 2001 10:36 AM
To: 'crecamp@vedderprice.com'
Subject: electronic copy

Chris -

Have we figured a way for me to get an electronic copy of CS10398 draft? I still haven't received it.

/mike